

## REMARKS

This Amendment is submitted in reply to the non-final Office Action dated May 17, 2006, issued in connection with the above-identified application. Claims 1-9 were previously canceled without prejudice and claims 10-18 remain pending in the application. With this Amendment, independent claims 10 and 17 have been amended. No new matter has been introduced by this Amendment; thus, favorable reconsideration is respectfully requested.

### **I. Response To Claim Rejections**

Claims 10-12 and 14-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bruhn (U.S. Patent No. 6,256,487, hereafter "Bruhn"). Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bruhn. The Applicants traverse the claim rejections noted above.

The Applicants have herein amended independent claims 10 and 17 to further distinguish the present invention from Bruhn. The present invention, as recited in independent claims 10 and 17 (as amended), is directed to a system and method for processing data structured in frames in a manner that is not disclosed by the cited prior art. In particular, data is processed such that *a first portion of data bits and at least one mode bit are channel-coded in the same way for all the source bit rates, voice coding rates and code modes being used, and independently of a particular code mode.*

Bruhn is directed to a communication system that supports multiple source coding/channel coding schemes. More specifically, Bruhn is directed to using relatively weak channel coding to protect mode information transmitted over an air interface. In Bruhn, Fig. 3(a) illustrates in more detail a preferred coding technique that includes a channel coder 54, which employs a rate 1/c convolutional code (i.e., relatively weak channel coding). Proper decoding of the mode information, at the receiver-side, is provided by employing probability calculations (see, Bruhn, Fig. 4). Therefore, although Bruhn discloses a channel coding technique of mode data, the reference fails to disclose at least one mode bit channel-coded in the same way for all the source bit rates, voice coding rates and code modes being used, and independently of a particular code mode. Conversely, this feature is clearly recited in independent claims 10 and 17, as amended.

Thus, independent claims 10 and 17 are now believed to be distinguishable over Bruhn for at least the reasons noted above. Likewise, dependent claims 11-16 and 18 are also believed to be distinguishable over Bruhn based on their dependency from independent claims 10 and 17.

**II. Conclusion**

In light of the above, the Applicants submit that claims 10-18 are in condition for allowance, and as such, issuance of a Notice of Allowance is respectfully requested. The Director is authorized to charge and credit Deposit Account No. 02-1818 for any additional fees associated with this submission, including any extension fees. Please reference docket number 112740-218.

Respectfully submitted,

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